

REMARKS

Upon entry of the present amendment, claims 1-9 will be canceled without prejudice or disclaimer of the subject matter recited therein while preserving Applicants' right to file one or more continuation and/or divisional applications directed to the canceled subject matter. Claims 10, 19 and 20 will be amended. Claims 10-20 remain pending.

By the amendment herein, the claims have been amended as discussed in the response to the objection and 35 U.S.C. 112, second paragraph, below, and to include amendment of a typographical or minor nature including the removal of the double occurrence of commas.

Reconsideration of the rejections of record, and allowance of the application in view of the following remarks are respectfully requested.

Statement of Telephone Interview

Applicants express appreciation for the courtesies extended by Examiner Buie to Applicants' representative Arnold Turk during a February 12, 2010 telephone interview.

During the interview, Applicants' representative discussed that DD 146716 was not initialed and that copies of Lee and its English translation are present in the record. The Examiner checked the record, and indicated that these documents will be confirmed as having been considered.

The indefiniteness rejection was discussed, and Applicants' representative indicated that the requested change would be made, and such language includes the components individually as well as in any combination.

The objection and rejection associated with providing the full names for the abbreviated polymers was discussed. Applicants' representative indicated that documents will be submitted to complete the record regarding the names of the abbreviated polymers.

Regarding the prior art rejections, arguments were presented as in Applicants' previous response. The Examiner indicated that a further showing of differences over the prior art may be needed to establish that Applicants' recited structure would not be at least minimally present in the prior art. Applicants' representative indicated that the rejections of record must establish that Applicants' claimed subject matter is present in the prior art.

Regarding the obviousness double patenting rejections, the Examiner was requested to review the applications cited in the double patenting rejections at the Patent and Trademark Office and the claims presently pending therein.

Information Disclosure Statement

Applicants express appreciation for the Examiner's confirmation of consideration of Applicants' Information Disclosure Statement filed July 17, 2009 by including an initialed copy the Form PTO-1449 submitted therewith with the Final Office Action.

Applicants note that on the Form PTO-1449, DD 146716 is not initialed. It appears that the omission of initials next to DD 146716 is due to inadvertence as the Final Office Action does not indicate that the document has not been considered. Accordingly Applicants are forwarding another Form PTO-1449 listing DD 146716 and request that the Examiner include an initialed copy of the form with the next communication from the Patent and Trademark Office.

Additionally, it is noted that the Final Office Action asserts that copies of the non-patent literature have not be provided, but that the Examiner has provided a copy of Schierholz et al.,

and has listed the document on a Form PTO-892. However, the Examiner has not provided a copy of Lee, and has cross-through the document on the Form PTO-1449.

With regard to Lee, the Examiner is reminded that Lee was cited in the Information Disclosure Statement filed January 25, 2007 and initialed as considered by the Examiner, and an English translation of Lee was filed with the Supplemental Information Disclosure Statement on July 17, 2009. Therefore, copies of the documents are present in the file. Accordingly, Applicants are also listing this document on the Form PTO-1449 and request that an initialed copy of the form be forwarded with the next communication from the Patent and Trademark Office.

Therefore, the Examiner is requested to initial the Form PTO-1449 submitted herewith, and to include an initialed copy with the next communication from the Patent and Trademark Office.

If additional copies of any documents are needed, the Examiner is requested to contact the undersigned by telephone.

Authorization is hereby provided to charge any fee necessary for consideration of any document to Deposit Account No. 19-0089.

Response To Objection To Specification Under 35 U.S.C. 132(a) And Rejection Of Claims Under 35 U.S.C. 112, First Paragraph

The amendment filed July 17, 2009 is objected because it is asserted that it introduces new matter into the disclosure, and claims 9 and 20 are rejected as failing to comply with the written description requirement because it is asserted that Applicants have not provided proof

that the name of the polymers that was originally abbreviated are known, so that the names of the polymers present new matter.

In response, Applicants initially note that claim 9 has been canceled so that the objection and rejection are moot with respect to claim 9. Moreover, Applicants note that the specification and claims were amended in Applicants' previous response merely to include the explicit names of the abbreviated polymers as readily known to one having ordinary skill in the art. In this regard, one having ordinary skill in the art would readily understand the full name of the polymers associated with the abbreviations provided in Applicants' originally filed application. For example, Applicants direct the Examiner's attention to U.S. Patent No. 6,747,099 B1, at column 10, the paragraph beginning at line 15, wherein abbreviations and polymers are disclosed; Nitrile rubber from Wikipedia, the free Encyclopedia downloaded on February 10, 2010 from the website http://en.wikipedia.org/wiki/Nitrile_rubber, 3 pages; Nishi, JP 2002-338931 claim 3; and Roempp Online, Version 3.6 with an indicated download date of January 12, 2010.¹

Accordingly, the objection and rejection should be withdrawn.

Responses To Objection To Claims

Claims 1-20 are objected to because it is asserted that the limitation "at least one or radiation-chemically and plasma-chemically modified polytetrafluoroethylene powder including a surface" is unclear, and that "and" should be replaced with ---or---.

¹ These documents (which the exception of Nishi which is already of record) are being submitted in accordance with MPEP 609(C)(3) as part of Applicants' reply to the Office Action in support of an argument so that the requirements of 37 C.F.R. 1.97 and 1.98 need not be met, and the information is being submitted as part of the record with the reply for the Examiner's consideration with Applicants' reply.

In response, amendments have been made throughout the claims to change such occurrences of "and" with ---or---. In this regard, the language is intended to include that either or both can be present, and therefore can be present individually or in any combination.

Accordingly, this ground of objection should be withdrawn.

Allowable Subject Matter

Applicants note that claims 10-20 were previously indicated to be allowable over the prior art of record, and the Final Office Action does not reject claims 10-20 based upon prior art. Accordingly, it appears that claims 10-20 are still considered in the Final Office Action to be allowable over the prior art of record. Accordingly, with the cancellation of claims 1-9, the application should be in condition for allowance and the mailing of the Notices of Allowance and Allowability is respectfully requested.

Art Based and Double Patenting Rejections

The following rejections are set forth in the Final Office Action.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-338931 A to Nishi et al. (hereinafter JP '931) - referring to the machine translation.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by JP 620366431 to Hamaoka - referring to the translation.

Claims 1 and 3-7 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 of copending Application No. 10/577,305.

Claims 1 and 3 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 5 of copending Application No. 10/573,005 (apparently 10/577,300).

In response to these grounds of rejection, Applicants note that without expressing any agreement or acquiescence with the rejections of record, claims 1-9 have been canceled to advance prosecution of the application to allowance. Applicants note that the cancellation of claims 1-9 has been made to expedite allowance of the application, and Applicants preserve the right to file one or more continuation and/or divisional applications directed to the canceled subject matter. Moreover, Applicants preserve the right to submit arguments for patentability of the subject matter of claims 1-9.

Accordingly, the rejections of record should be withdrawn with the mailing of the Notices of Allowance and Allowability.

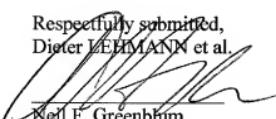
CONCLUSION

In view of the foregoing, the Examiner is respectfully requested to reconsider and withdraw the objections and rejections of record, and allow each of the pending claims.

Applicants therefore respectfully request that an early indication of allowance of the application be indicated by the mailing of the Notices of Allowance and Allowability.

Should the Examiner have any questions regarding this application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Dieter LEHMANN et al.



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